REMARKS

Originally filed claims 1–21 are pending. Claims 1–21 are rejected under 35 U.S.C. §

102(e) over U.S. Patent No. 5,828,674 to Proskauer ("*Proskauer*").

Applicant traverses the rejections.

Independent claim 1 recites in part a "method of creating one or more real-time

interactive control and communication software objects for use in connection with a computer

and a machine which communicate according to a standard communication protocol for process

control." Independent claim 12 recites in part a "computer program for creating one or more real

time interactive control and communication software objects." One example of such real-time

interactive control and communication software objects is an ActiveX control (see Specification

at p. 2, lns 24-26). One feature of an ActiveX control is that, once created (using, for example,

the present invention), an ActiveX control can be stored in a library and can be readily embedded

in to container applications to build larger applications (see Specification at p. 9, lns. 6-24).

Proskauer describes using ActiveX controls, but only after these controls are created.

Proskauer does not teach or suggest any particular method for creating the controls. *Proskauer*

just states that ActiveX controls "are written in Visual Basic" (Col. 3, ln 25). Instead, the

controls used in *Proskauer* are provided in a library (Proskauer at col. 2, lines 55–56).

Proskauer describes creating a semiconductor testing system as follows:

> [T]here needs to be a variety of windows available that the operator may bring up
> on his display depending on the test to be performed. To create these windows
> the programmer can "drag and drop" controls from a library of ActiveX controls
> onto the operator window.

Proskauer at col. 4, lines 29-33.

As *Proskauer* does not describe a method or computer program for creating one

or more real-time interactive control and communication software objects, as recited in
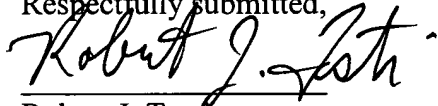
independent claims 1 and 12, Applicant respectfully submits that the originally filed

claims are patentable and requests that the rejections to the claims be withdrawn. As

claims 2–11 and 13–21 depend from these claims, Applicant submits that these

dependent claims are patentable as well.

Conclusion

In view of the foregoing, Applicant respectfully requests that the rejections be

reconsidered and withdrawn and that all originally filed (i.e., pending claims 1–21) claims be

allowed in due course.

Respectfully submitted,

Date: December 16, 2003

Robert J. Tosti
Attorney for Applicants
Reg. No. 35,393
Testa, Hurwitz & Thibeault, LLP
High Street Tower
Telephone: (617) 248-7374   125 High Street
Facsimile: (617) 790-0555   Boston, MA 02110

2714725_1